IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.77 (S/B) of 2005

K.C. Pathak S/o Sri Devi Dutt Pathak,
R/o 26/14, Vivek Vihar (Pocket-3),
G.M.S. Road, Dehradun, Distt. Dehradun

... Petitioner

Versus

1. Union of India through its Secretary, Personnel, Public Grievance and Pension, Govt. of India, New Delhi
2. State of Uttaranchal through its Secretary, Agriculture, Dehradun
3. State of U.P. through Chief Secretary, Lucknow
4. State of Uttaranchal through its Principal Secretary, Re-organization, Uttaranchal, Dehradun
5. State Advisory Committee through its Secretary, Vikas Bhawan, Lucknow (UP)
6. State Advisory Committee through its Chairman, Gate No.31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi

...Respondents

Sri I.P. Gairola, learned counsel for the petitioner.
Learned Asstt. Solicitor General for Union of India
Learned standing counsel for the State of Uttaranchal,
Learned addl. chief standing counsel for State of U.P.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal,J.

Dated: March 22, 2006

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the final allocation list dated 20.04.2005 (Annexure No.8) passed by the Union of India in exercise of powers conferred on it under sub-section (2) of Section 73 of U.P. Reorganization Act, 2000 (***hereinafter will be referred to as the Act***) allocating the officers/employees of the Agriculture Department to the State of Uttaranchal.

2. The petitioner has not been allocated to the State of Uttaranchal. The grievance of the petitioner is that he is the resident of the Uttaranchal and Union of India while making the allocation of the officers /employees to the State of Uttaranchal contained in impugned order fell into error in not allocating the petitioner to the State of Uttaranchal, though he fulfills and all the norms set up for allocation to State of Uttaranchal.

3. A perusal of the impugned order shows that those who have not been allocated to State of Uttaranchal shall stand allocated finally to State of U.P. until the decision is taken otherwise in accordance with the Rules.

4. In view of this provision in the order, it is open for the petitioner to make a fresh representation to the Union of India and if the representation is made by the petitioner within 15 days from today, the same shall be decided within a period of one month after the receipt of the representation in the light of the guidelines settled for allocating an employee under sub-section (2) of Section 73 of the Act by a speaking order.

5. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang